

Miners Defy Harding, Mass to Attack Town; Crisis at Noon To-day

President Ready to Sign
Edict for Martial Law
in 5 West Va. Counties
if Bandholtz Requests

Men Invite Attack,
Declares Governor

Warns of Threat to Blow
Up Troop Trains; Two
Regiments Wait Order

WASHINGTON, Aug. 31.—The Federal government stood ready to-night to act in West Virginia should to-morrow's reports show lack of compliance with President Harding's proclamation calling on all persons engaged in "unlawful and insurrectionary proceedings" to return to their homes.

Two regiments of troops of 1,000 men each, one at Camp Sherman, Ohio, and the other at Camp Dix, New Jersey, were in readiness to move into the state on a moment's notice, War Department officials said.

A proclamation declaring martial law in five West Virginia counties has been drawn up and signed by the President ready for promulgation.

No Hint of Compliance

Officials, however, remained still hopeful to-night that neither of these steps would be necessary, although their spirit of optimism had been lowered during the day by dispatches from the disturbed area telling of clashes between bands of armed men and state authorities and containing no indications of a disposition to comply with the President's proclamation.

Decision as to whether the Federal government will order troops into the state and declare martial law—a step which has not been taken in any state since the days immediately following the Civil War—will depend on conditions as reported by Brigadier General H. H. Bandholtz at noon to-morrow. Harding, General Bandholtz left Washington late to-day, and on arriving in Charleston early to-morrow will begin a survey of the situation.

The duration of military rule and the use of troops in the state will be determined by General Bandholtz, it was stated, will be confined to Kanawha, Boone, Logan and Mingo counties, comprising a section in the southwestern part of the state and embracing Charleston, the state capital.

Threaten to Blow Up Trains

Reports from several points in the disturbed area were forwarded to Secretary of War Weeks by Governor Morgan during the day. They declared that the armed men resented orders to disband, declaring they would force the government to declare martial law and threatening to blow up troop trains in the event soldiers were sent into the state.

A telegram signed by members of the West Virginia delegation to the conference yesterday with Secretary Weeks, reached the War Department late to-day.

The committee, calling on you, the message said, "and find them from practically every camp in the Kanawha-Boone line. We personally saw several men on the return with high-powered rifles, in automobiles, rushing to the trouble zone. The Governor is taking place at the top of the mountain, near the Logan-Boone line. State is rushing reinforcements to that point from every available station. Miners openly state, according to reports from the Governor, they do not obey President's proclamation. Necessary that Federal troops be sent at once, if loss of life is to be avoided. More than 500 men under arms close to Logan-Boone line and more on their way."

Weeks Advises Governor

General Bandholtz, on leaving Washington, carried a letter from Secretary Weeks to Governor Morgan. It read: "You have received the President's proclamation ordering the insurgents to peacefully return to their homes by noon on September 1, 1921. I am sending General H. H. Bandholtz, the bearer of this letter, with instructions to report to me the extent to which the order of the President is obeyed. In case it becomes necessary to send Federal troops this office is designated to command them. May I ask that you will afford him every possible assistance and cooperation in the way of officers, clerks and clerks, quarters, transportation, etc."

Seek to Please America

Conversations in Geneva convince one that it is not far fetched also to see a subtle move in the indirect proposal to kill Article X to prepare the way for a modified league wherein America's objections would be so far removed that any organized outgrowth of the Washington conference wherein America is represented could lead to immediate collaboration with the league and even its amalgamation.

There is a deliberate intention among the delegates here to accept American dictation regarding the league insofar as entangling alliances are concerned. The proposed amendment to Article XXI leaves the way clear for America to dictate whether it desires the League of Nations to be prepared concerning the proposed "European group."

If the amendment is adopted America's interference in any European political quarrel becomes entirely an optional matter.

The proposition thus far is the most important matter scheduled for the league meeting. The French delegation is solidly behind it and others equally important will support it on the floor of the Assembly. In any event it appears that Article X is scheduled for slaughter either by this method or some other.

The best writing paper is WHITING PAPERS—Avalon.

11 Bodies Recovered

After Mine Explosion

Dynamite Charge Breaks Down

Wall, Loosing Black Damp,

at Harrisburg, Ill.

HARRISBURG, Ill., Aug. 31.—The bodies of eleven miners were recovered from the Harco mine, following an explosion this afternoon. More than a hundred men had been working in the mine when a dynamite charge broke down the wall of an old room, loosening black damp.

Seven men who escaped the explosion, but are suffering from the effect of black damp, were taken to local hospitals. It is believed they will recover.

Volunteer rescue teams were organized by miners, but their efforts were futile.

The mine will be sealed to-morrow by state authorities.

Tear Gas To Be Used On Mingo Mine Mob

From The Tribune's Washington Bureau
WASHINGTON, Aug. 31.—Tear gas in copious quantities awaits the West Virginia miners if Federal troops enter the disturbed area. It was indicated at the War Department to-day that in the event the strikers do not comply with the President's proclamation and permit order to be restored, the troops to be used will attempt to disperse the miners by using gas and without the firing of a shot.

League May Let Groups Settle Own Problems

Amendment Committee Will
Consider Rules Changes
to Confine Disputes to
the Nations Involved

May Revise Article X

Delegates, in Desire to Win
U. S., Inclined to Abolish
Objectionable Features

Special Cable to The Tribune
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GENEVA, Aug. 31.—When the amendment committee of the League of Nations meets here to-morrow one of the first matters to receive its attention will be a proposition whereby the various groups of nations would be allowed to settle their own disputes without interference from other groups which have no concern, political or otherwise, in the issues concerned.

According to this plan, the "Pacific group" would be allowed to handle its own problems, the American group would iron out the petty quarrels of the Western Hemisphere without interference from Europe, and the European group would regulate its own disputes without obligation to America or other nations not concerned.

The proposition will be brought up by M. Zahle, the Danish member of the Amendment Committee.

Details of Proposed Plan

In discussing the proposed amendment to-day it was pointed out that in the event of a dispute between Switzerland and other nations, which had never been called on to consider the Pacific or its problems, would be busy wasting time in discussing such matters.

Nations outside any regional group occupied in disputes would have a right to interest themselves in the issue if able to show where the dispute concerned. If the regional groups, however, were unable to solve their own problems, then it would become a matter for all the nations in the league to deal with.

Several league delegates admitted to-day that if the United States had been a member it would certainly have withdrawn from the league council in the embarrassing problem of splitting up Upper Silesia, with its danger of offending either France or England, whose ideas clash thereon. Under the proposed amendment, the Upper Silesian problem would be one of purely European concern and solely for the European group to resolve.

By the same token, a boundary dispute between Argentina and Chile or between the United States and Canada could not involve the league, general attention of the General Assembly of the league, when China and Japan would be called on to vote.

May Kill Article X

A majority of leading delegates had arrived here to-day to participate in the committee's deliberations preparatory to the meeting of the General Assembly of the league, and among these one of the chief topics of discussion is the proposed attempt to bridge the gap between America and the league. One of the steps probably will be to render Article X, which formerly was the chief objection of the United States to the league, almost ineffective. There is an undisputed desire to win America even to the extent of wiping out Article X, and it is understood that this suggestion will be made by the Canadian delegation.

The meaning of Article XXI, however, may be the means used to draw the teeth out of Article X.

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Logan County Appeals for Troops at Once to Meet Assault of More Than 4,000 Armed Raiders

Three Killed in
Sheriff's Forces

Defenders Successful in
Day of Continuous Firing
Between Outposts

LOGAN, W. Va., Aug. 31.—Logan County authorities announced to-night that a telegram had been sent to Washington stating that unless troops were sent at once the county would be attacked by between 4,000 and 6,000 men. Sheriff Chafin at the same time issued the following statement to newspapers:

"There has been more or less continuous firing on four points of the line to-day. The points are Beech Creek, Blair, Crooked Creek and Mill Creek."

"Casualties, according to the best reports we can obtain, were limited to three in the defensive or Logan County forces. John Gore, a deputy sheriff, was killed. The most serious fighting was reported from the vicinity of Blair. At all points our forces succeeded in driving back the invaders."

Reports Repulse of Invaders

"Our opponents advanced one mile in the Blair district, but were driven back. In the Beech Creek district they advanced one mile, and there also were turned back. The furthest advance was in the Peck's Mill district, where they advanced two miles along Hewitt Creek. Here we also drove them back. We have 1,200 men and have arranged for reinforcements from various points, including Bluefield, Williamson, McDowell and Huntington."

"I have heard nothing of the fate of the captives held prisoner, but I fear for them. That is all I can say at this time."

The announcement that an appeal had been made to the Federal government to send troops to the county was made by officials at the courthouse while the Sheriff was talking to newspapers.

At Peck's Mill, headquarters of the Mountain Mill, where a field hospital was established late in the afternoon. Other hospitals, it was said, would be ready before to-morrow.

Women Feed Volunteers

The little county town of Logan was the scene of intense activity. Volunteers continued to come in from all over the southern part of the state. Women of the county served them with food and hot coffee, while trained military units continued to come in from all over the southern part of the state. Everywhere the gravity of the situation was recognized.

The unusual situation confronting the people of Logan County, which has been described by Governor Morgan as an insurrection, is the direct outgrowth of the long controversy between the organized and unorganized miners of the Logan-Boone line. The Logan-Boone line is unorganized, but the little section lying between the eastern slope of the mountains and the Boone county line is filled with union miners.

These men last week prepared to join the march of other union men (Continued on page four)

Daylight Bandits Hold Up Los Angeles Limited Train

Two New Yorkers Among Pass-
engers Robbed; Only One
Woman Molested

SALT LAKE CITY, Aug. 31.—The Los Angeles Limited of the Union Pacific system, held up by two masked and armed robbers shortly after 2 o'clock this afternoon near Clearfield, nine miles south of Ogden. All the men passengers were robbed.

The train was stopped by an automatic block signal. The two robbers boarded the train and while one gathered loot in the observation car, the other proceeded to the other cars. The exact amount taken is not known. Near the outskirts of Salt Lake the robbers pulled the signal cord and escaped in the northern part of the city.

One passenger in the observation car, rather than hold up his hands, jumped from the train. As he was fleeing one of the bandits shot at him.

A bucket brigade was used by New York, occupying a drawing room, were among the victims. They reported a loss of \$18. Women and children on the train were not molested, with the exception of a young girl who was kidnapped, scribbled and thrown from a window. A notification that the train had been held up. A railroad employee picked up the note and telephoned to headquarters. A posse immediately was organized.

Wine Saves House on Fire Forty Barrels Used After Water on Farm is Exhausted

Special Dispatch to The Tribune

CARLEISLE, Pa., Aug. 31.—Forty barrels of fine elderly wine was the fire extinguisher used early this morning to save a farmhouse on the farm of Gilbert Beestem near here. All available water on the farm was used by farmhands in an effort to save a barn and other buildings, and the wine was used as a last resort.

Recognition Of Mexico Now Assured

Last Barrier to Resumption
of Relations With
U. S. Removed by Court
Ruling on Oil Issue

Decision Protects Americans' Rights

Action of the Republic's
Tribunal Achieves Proposed
Treaty Demands

By Carter Field

WASHINGTON, Aug. 31.—Recognition of the Obregon government by the United States is on the verge of accomplishment to-day. The action of the Mexican Supreme Court in declaring unconstitutional Article 27, under which mineral and oil rights were confiscated by the Mexican government, has removed practically the last barrier halting the resumption of cordial relations between the two republics.

As pointed out in The Tribune last Wednesday, it has been realized here and in Mexico City that the sentiment in both the Harding and Obregon administrations was such that recognition was practically at hand, but to-day's news from the Mexican capital is the most optimistic, so far as friendly relations between the two countries are concerned, which has developed since the fall of Porfirio Diaz.

Court Ruling Most Important

The decision by the Supreme Court is more important, even than a similar action by the Mexican Congress. In the first place, even granting that the Mexican Congress had the right to nullify the Mexican constitution, the next Congress coming along might easily repeal the action of the present Congress, whereas a Supreme Court decision will have relatively the same permanence which attached to a Supreme Court decision in this country.

The decision of the Mexican high court nullifies a provision which had been enforced, but threat of enforcement of which has hung like a sword over the necks of the American oil operators in Mexico since it was adopted. This provision set forth that all subsoil rights, such as minerals and oils, belonged to the state, and that ownership of property in Mexico applied only to surface rights. This government at once protested, taking the view that it might be within the rights of the government of Mexico to provide that government and granted for concessions after the rate of that concession, but that no such retroactive provision could be adopted without confiscating the property of American citizens.

Property Rights Big Issue

"The fundamental question which confronts the government of the United States in considering its relations with Mexico," said Secretary of State Hughes on June 7, in announcing that he had proposed a treaty with Mexico, "is the question of property rights."

"This question is vital," he said further, "and the only way to obtain it is to provide for the payment of \$45,000,000 to be issued and the proceeds expended for a bonus to all persons who served in the army, navy or air force of the United States from 1917 to 1920, and below the grade of captain in the army or junior commander in the navy. Controlling James A. Wendell attempted to issue bonds for \$10,000,000, but the bonds were not issued. The Westchester Company, which owned the Bank of Peckskill, as it was found that none of the larger financial groups had been able to obtain the bonds until the state had been definitely established first. The Appellate Division, Third Department, early this summer handed down a decision in favor of the state. It is the opinion of the court that the bonds should be issued."

Appeals, which has the first voice in the matter, takes departure. In considering the act, Judge Andrews' opinion is as follows:

"The logic of this opinion is not that the legislature is unable to act, but that the legislature is unable to act in a way that would be to the health and usefulness of the state. We cannot too clearly emphasize at the outset of our discussion that this is not an act to restore to health and usefulness those who became disabled in the performance of their duty. To do this is a sacred trust. Every human impulse prompts us to its full execution. Neglect here spells disgrace."

"Yet by this act help for the wounded is at least postponed. For them as the state may have to use its money in making these the subject of its first and devoted consideration, this right finds no expression in the present state of the wounded are not a reason for the intervention of troops, but the ground for its enactment. He (Continued on page four)

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Appeals Court Knocks Out State Bonus

Two Judges Differ With
Majority Finding Holding
Act Legislature Adopted
Is Unconstitutional

Legion Preparing To Ask New Law

Decision Is Declared to
Set at Naught Registered
Desire of People

Special Dispatch to The Tribune

ALBANY, Aug. 31.—The Court of Appeals to-day declared unconstitutional the state soldier bonus act. This decision effectively blocks the distribution of \$45,000,000 among a million ex-service men in this state and makes void the appropriation of \$25,000,000, made by the 1921 Legislature to meet initial bonus requests.

In reaching the decision that the bonus law is invalid, the court maintains that the act is contrary to the provisions of Section 1, Article 7, of the Constitution. This particular section provides that "the credit of the state shall not be given or loaned to any individual," and the court holds that the bonus act virtually involves a gift of the state's credit.

Announcement of the court's decision was made to-day following a conference which lasted several hours. Judges Cardozo and Pound, at the end of the conference, declined to join with Judges Hiseock, McLaughlin, Andrews, Crane and Hogan in concurring in an opinion written by Judge Andrews and which finally was adopted by a vote of five to two.

New Law To Be Asked

It is understood here that various organizations of veterans will endeavor to have a new bonus law enacted in an effort to obtain a bonus.

The decision, coming on the heels of a favorable decision by the Appellate Division, was a distinct surprise. Those who favor a bonus are optimistic. They believe the Legislature will be willing to consider amending the constitution so as to permit the state to reward its soldiers.

Governor Miller, who approved the issuance of \$10,000,000 bonds to meet immediate bonus demands, declined to discuss the action of the court.

"I have not had an opportunity to read the decision," said the Governor, "and am not prepared to discuss it."

Attorney General Charles D. Newton, who argued the constitutionality of the law when the case was before the court, predicted to-night that steps would be taken by the next Legislature to remove the obstacle in the path of the bonus.

Direct Tax Suggested

As a result of this circumstance it is thought that the direct tax authorized by an extraordinary session of the Legislature.

The court granted that bonds for \$45,000,000 be issued and the proceeds expended for a bonus to all persons who served in the army, navy or air force of the United States from 1917 to 1920, and below the grade of captain in the army or junior commander in the navy. Controlling James A. Wendell attempted to issue bonds for \$10,000,000, but the bonds were not issued. The Westchester Company, which owned the Bank of Peckskill, as it was found that none of the larger financial groups had been able to obtain the bonds until the state had been definitely established first. The Appellate Division, Third Department, early this summer handed down a decision in favor of the state. It is the opinion of the court that the bonds should be issued."

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Market Graft Evidence Turned Over to Swann For Criminal Action

Murphy Bids Al Smith's Aid To Save Hand-Picked Ticket

Things are breaking so badly for Tammany that Charles F. Murphy, now called the "Great Nominator" by cynical Tammany men, took it upon himself yesterday to do a little fence repairing. He went to see former Governor Alfred E. Smith at Sea Gate. If inside gossip is anywhere near correct, Mr. Murphy asked "Al" to do something for the city, county and borough tickets. He cited his own good will toward the former Governor by calling attention to the restoration of Judge Alfred J. Talley to the judiciary ticket after he had been turned down two weeks ago.

Judge Talley is a personal friend of the former Governor and was appointed to his present place on the official sessions bench as the last official act of Governor Smith. The hurricane canvass being made by James J. Hines to capture the nomination for

Troops Quell Biggest Film Co. Belfast Riots; Cited as Trust Death Toll 15 By Government

Military Sent Into Area of
Fighting After Appeal
by Lord Mayor; Bombs
Used by the Gunmen

Further Outbreak Feared

Dail Eireann Postpones
Its Reply to Premier;
Ulster Cabinet Acts

By Arthur S. Draper
Special Cable to The Tribune
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LONDON, Aug. 31.—British troops took possession of the riot area in Belfast this afternoon, following an appeal of Sir William Coates, the Lord Mayor, to General Carter-Campbell, commander of the forces in Ulster. Immediately the fighting, which had continued through the morning between the Orangemen and Sinn Féiners, ceased and comparative quiet reigned.

The casualties are reported at fifteen killed and more than a hundred wounded since the first outbreak on Monday. Most of the casualties were from rifle and revolver fire, but even bombs were used in the labyrinth of narrow streets in the poorer sections of the city.

The troops began patrolling the riot area after a heavy shower at noon, which drove in many of the rioters, but further outbreaks are feared. There was much firing throughout the morning. A party of ship workers on their way to the docks came under fire and immediately a number of them took part in the fighting. A number of trolley lines were stopped and in York street and Royal Avenue business was paralyzed, but most of the business houses reopened after the troops appeared and trolley lines renewed operations.

Both Sides Well Armed

Charges and counter charges are flying about so thick and they vary so widely that it is difficult to find out the cause of this ferocious conflict. The troops brought comparative quiet to Ireland in July.

A large number of Sinn Féiners are now active in the south of Ireland, now supporting their anti-Protestantism in Ulster against the Protestant loyalists.

Both sides appeared well supplied with ammunition, particularly the Anti-Féiners, who, it is alleged, have stores of the special Ulster constabulary at their disposal. The Sinn Féin gunmen include a number of expert snipers. Experienced gunmen were responsible for most of the damage, but it was feared that the general population might be drawn into the conflict.

The Lord Mayor of Belfast, worried over the spread of the rioting, which appeared likely to assume the proportions of a civil war, made his request for the intervention of troops, but the (Continued on page four)

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